

## CHAPTER 322.

**An act to lay out and construct a public road in Caldwell and Watauga counties.***The General Assembly of North Carolina do enact :*

To be laid out and established between certain points.

SECTION 1. That there shall be laid out and established a public road from the Hugh Day gap, at or near the line between Caldwell and Wilkes counties, to the county line at or near the White Rock mountains, in Watauga county.

Width.

SEC. 2. That the said road shall be made sixteen feet wide, except where there shall be side cuttings, and in such places it shall be twelve feet wide and well made according to law.

Surveyor and commissioners to locate road, &amp;c.

SEC. 3. That it shall be the duty of the county commissioners of Caldwell and Watauga counties to appoint a competent road surveyor and one commissioner in each of their respective counties to survey and locate said road, who shall take an oath before the chairman of the board of county commissioners of their county to faithfully discharge the duties for the best interests of the county.

Duty of surveyor and commissioners.

SEC. 4. That it shall be the duty of said surveyor and commissioners to make report of the grade of said road to the county commissioners of said counties, and to assess the damages, if any are claimed, to the land over which they pass, deducting from the damages the benefits of the road to said lands.

Assessment of damages, how reviewed.

SEC. 5. That either the owner of the land or the county, by order of the county commissioners of the county in which the land is located, may have the damages reviewed by a jury of five freeholders, which shall be at the cost of the plaintiff if the damages are not charged in his favor.

Overseer and hands to construct road in Caldwell county.

SEC. 6. That the county commissioners of Caldwell county shall appoint an overseer and assign hands liable to work on public roads under existing laws, who reside within a reasonable distance of said road, to construct the road in Caldwell county.

Overseer and hands to construct road in Watauga county.

SEC. 7. That the county commissioners of Watauga county shall have the same powers over hands within a reasonable distance of that portion of said road located in their county as is provided in section six of this act for the commissioners of Caldwell county: *Provided*, that no person shall be required to work more than eight days on said road in any one year.

Proviso.

Compensation of surveyor and commissioners.

SEC. 8. That the county commissioners of said counties shall pay said road surveyor and commissioners not exceeding two dollars per day for their services in locating and grading said road.

SEC. 9. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.